

AMENDED IN SENATE AUGUST 23, 2004
AMENDED IN SENATE AUGUST 17, 2004
AMENDED IN SENATE JUNE 23, 2004
AMENDED IN SENATE JUNE 17, 2004
AMENDED IN SENATE JUNE 7, 2004
AMENDED IN SENATE AUGUST 21, 2003
AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 358

Introduced by Assembly Member Jackson
(Coauthors: Assembly Members Berg, Chavez, Dymally,
Goldberg, Hancock, Koretz, Laird, Levine, Oropeza, Pavley, and
Wiggins)

February 11, 2003

An act to add ~~Section 8251 to~~ *Chapter 3.15 (commencing with Section 8250.1) to Division 1 of Title 2 of the Government Code*, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 358, as amended, Jackson. Gender discrimination.

Existing law prohibits discrimination and harassment based on sex and gender in housing and employment.

Existing federal law provides that no person on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

This bill would require the state to implement the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls, as specified, and would require, beginning January 1, 2006, the Department of Corrections, the State Department of Education, and the State Department of Health Services to conduct, in consultation with the State Commission on the Status of Women, an evaluation of their own departments to ensure that the state does not discriminate against women through the allocation of funding and the delivery of services.

The bill would require these departments to report their findings and recommendations to the Legislature no later than January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) The Convention on the Elimination of All Forms of
- 4 Discrimination Against Women (CEDAW) is an international
- 5 “Bill of Rights” for women. It is the first and only international
- 6 instrument that comprehensively addresses women’s rights within
- 7 political, cultural, economic, social, and family life.
- 8 (b) On December 18, 1979, the United Nations adopted the
- 9 CEDAW.
- 10 (c) The United States was active in drafting CEDAW and
- 11 former President Jimmy Carter signed the treaty on July 17, 1980.
- 12 As of ~~October 2003, 174~~ August 2004, 177 countries have ratified
- 13 CEDAW.
- 14 (d) In 1998, the City of San Francisco unanimously passed an
- 15 ordinance to implement the principles underlying the CEDAW.
- 16 (e) *In 2003, the City of Los Angeles unanimously adopted a*
- 17 *policy to implement the principles underlying CEDAW.*
- 18 (f) CEDAW does not supersede federal, state, or local laws.
- 19 Instead, it provides a framework for governments to examine the



1 existing rights of women and girls in areas that include
2 employment opportunities, education, health care, and equal
3 protection under the law.

4 ~~SEC. 2. Section 8251 is added to the Government Code, to~~
5 ~~read:~~

6 ~~8251.~~

7 *SEC. 2. Chapter 3.15 (commencing with Section 8250.1) is*
8 *added to Division 1 of Title 2 of the Government Code, to read:*

9
10 *CHAPTER 3.15. GENDER DISCRIMINATION*

11
12 *8250.1.* (a) The state shall implement the principles
13 underlying the Convention on the Elimination of all Forms of
14 Discrimination Against Women (CEDAW) by addressing
15 discrimination against women and girls in areas including, but not
16 limited to, economic development, education, employment
17 practices, violence against women and girls, and health care.

18 (b) Beginning January 1, 2006, the Department of Corrections,
19 the State Department of Education, and the State Department of
20 Health Services shall, in consultation with the State Commission
21 on the Status of Women, conduct an evaluation of their own
22 departments to ensure that the state does not discriminate against
23 women through the implementation of state policies and
24 programs, including the allocation of funding and delivery of
25 services. These departments shall report their findings to the
26 Legislature no later than January 1, 2007, with recommendations
27 for what practices and policies, if any, should change to implement
28 the ~~policies~~ *principles* of CEDAW.

29 ~~(c) Neither actions taken pursuant to subdivision (a), nor the~~
30 ~~evaluation conducted pursuant to subdivision (b), shall be~~
31 ~~admissible to prove discrimination by the state.~~

32 *(c) Actions taken pursuant to subdivision (a) shall not be*
33 *admissible to prove discrimination by the state.*